

## Message

**From:** Bucholtz, Paul (DEQ) [BUCHOLTZP@michigan.gov]  
**Sent:** 6/9/2015 12:18:02 PM  
**To:** Hatton, Marc (Hattonm@kalamazoocity.org) [Hattonm@kalamazoocity.org]; Berkoff, Michael [berkoff.michael@epa.gov]; Bruce Merchant (bemerchant@gmail.com) [bemerchant@gmail.com]  
**Subject:** FW: Kz NRDA: Talking to EPA re: Trustee wishlist for Panelyte property at OU1?!

FYI, the NRDA wish list.

Again, just so we know what we can expect to hear, and think about how we interact.

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**From:** Mistak, Jessica (DNR)  
**Sent:** Monday, June 08, 2015 11:40 AM  
**To:** Williams, Lisa; Alfano, Judith (DEQ); Julie Sims; Kristin Furrie (ENRD); Laurie Lee - NOAA Federal; Mary Lynn Taylor; Bucholtz, Paul (DEQ); Synk, Polly (AG); Sumona Majumdar (ENRD); Todd Goeks  
**Subject:** RE: Kz NRDA: Talking to EPA re: Trustee wishlist for Panelyte property at OU1?!

Hi all,

I've consulted our Natural Rivers staff and they recommend a 50' riparian buffer and up to a 200' setback for trail development (the trail should be at least 50' from the water and ok to allow occasional spur trails to water). This would match what is required for the Natural Rivers-designated portion of the Kalamazoo River.

The setback for all structures on the designated portions of the Kalamazoo (which are well downstream of Portage Creek) is 200'. This is the number used on both the mainstream and tribs. The vegetation buffer is 50' on all designated sections. You may want to follow both of those standards, however, if you need some flexibility, I recommend reducing the building setback, especially if you are considering non-motorized trail development. I would recommend maintaining the 50' vegetation buffer standard. One of the things we have always pushed for on public trail development on Natural Rivers is to keep the trail away from running along the river bank (usually built at the building setback, but always at least outside the vegetation buffer) while allowing the occasional spur trail to the water's edge.

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**From:** Williams, Lisa [mailto:[lisa\\_williams@fws.gov](mailto:lisa_williams@fws.gov)]  
**Sent:** Monday, June 8, 2015 10:11 AM  
**To:** Alfano, Judith (DEQ); Mistak, Jessica (DNR); Julie Sims; Kristin Furrie (ENRD); Laurie Lee - NOAA Federal; Mary Lynn Taylor; Bucholtz, Paul (DEQ); Synk, Polly (AG); Sumona Majumdar (ENRD); Todd Goeks  
**Subject:** Kz NRDA: Talking to EPA re: Trustee wishlist for Panelyte property at OU1?!

I just talked with Chuck M., attorney at EPA, about what he could put in as conditions that would run with the land at the Panelyte property at OU1 as part of a prospective purchaser agreement. We talked about the following:

- access for Trustees for Alcott St. Dam removal project (pools and riffles, native vegetation along corridor)
- conservation easement to protect riparian corridor (XX feet on each side)
- any trail set back by XX feet to provide wildlife cover, shade and organic inputs to creek etc, with occasional (no more than 1 per XX feet) overlooks
- requirement for new owner to meet with Trustees
- open to other Trustee ideas if he gets them ASAP

Reference: Nov 2013 FS, Figure 4-2b, map of the site showing Panelyte property (mostly along left descending bank (LDB) but with corners on the RDB; also includes "Panelyte Marsh" and the entire site is landlocked by OU1 parcels.

Timing: OU1 ROD next spring, so Proposed Plan this fall, so Chuck wants to get the PPA in Federal Register before then.

He is working on a draft of the PPA now and will try to work in what we just discussed in a first draft, plus any other Trustee ideas that might work in that vehicle.

So, we've talked about setbacks and riparian corridor widths before, but let's work on a number to give Chuck that makes sense for this reach of Portage Creek. Maybe we can share thoughts via email right away, especially if you have more ideas to add to the list above, and then try to make a decision on a corridor width on our 6/16 call.

-Lisa

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